

**RAILROAD COMMISSION OF TEXAS
OFFICE OF GENERAL COUNSEL**

**OIL AND GAS DOCKET
NO. 04-0232348**

**IN THE WFI CHERRY PIT NO. 1
JIM WELLS COUNTY, TEXAS**

**FINAL ORDER
GRANTING THE APPLICATION OF WASTE FACILITIES, INC.
FOR A PERMIT FOR A TREATED OIL AND GAS WASTE PIT,
WFI CHERRY PIT NO. 1
JIM WELLS COUNTY, TEXAS**

The Commission finds that after statutory notice in the above-numbered docket heard on November 6, 2002, the presiding examiners have made and filed a report and proposal for decision containing findings of fact and conclusions of law, which was served on all parties of record; that the proposed application is in compliance with all statutory requirements; and that this proceeding was duly submitted to the Railroad Commission of Texas at conference held in its offices in Austin, Texas.

The Commission, after review and due consideration of the examiners' report and proposal for decision, the findings of fact and conclusions of law contained therein, and any exceptions and replies thereto, hereby adopts as its own the findings of fact and conclusions of law contained therein, and incorporates said findings of fact and conclusions of law as if fully set out and separately stated herein.

Therefore, it is **ORDERED** by the Railroad Commission of Texas that Waste Facilities, Inc., be and is hereby authorized to conduct oil and gas waste disposal operations in the Cherry Pit No. 1, Jim Wells County, Texas, subject to the following terms and conditions:

I. GENERAL PERMIT CONDITIONS

- A. No waste may be received at the referenced facility until financial security as required by Rule 78 is provided to and approved by the Commission.
- B. The Corpus Christi District Office must be notified upon final completion of each disposal cell. The permittee may not begin using any cell until the District Office has performed its inspection of the completed cell and has verified that the cell is constructed in accordance with the application and this permit.
- C. The effective date of this permit is _____ (Note: The effective date is the date the order becomes final and unappealable pursuant to Tex. Govt. Code §2001.144).
- D. The authority granted by this permit expires five years from the effective date of this order.
- E. This permit may be considered for administrative renewal upon review by the Commission. Any request for renewal should be received at least 30 days prior to the permit expiration date.
- F. This permit is nontransferable without the consent of the Commission.
- G. This permit does not authorize the discharge of any oil and gas waste from the facility.
- H. The permittee shall make records required under Condition I. K. of this permit available for review and/or copying during normal business hours upon request of Commission personnel.
- I. Unless otherwise required by the conditions of this permit, construction, use maintenance, and

closure of the pit shall be in accordance with the information represented on the application (Form H-11) and the attachments thereto.

- J. Failure to comply with any provision of this permit shall be cause for modification, suspension or termination of this permit.
- K. Beginning six (6) months from the date of the permit and every six (6) months thereafter until final closure, the permittee shall submit a Semiannual Report containing applicable information as required in Conditions IV.E and V.B. of this permit for the previous six (6) month period.

II. AUTHORIZED WASTES:

Only nonhazardous oil and gas waste treated under Landtreatment Permit No. LT-0078 and which pass the Paint Filter Test (EPA Method 9095) and meet the following criteria may be disposed of in the pit:

<u>PARAMETER</u>	<u>LIMIT</u>
chloride concentration	3,000 ppm or less
*TPH	less than 1%
*pH	6 to 10 (standard units)
*SAR	12 or less
*Metals (mg/kg maximum):	
Arsenic	10
Barium	10,000
Beryllium	50
Cadmium	3
Chromium (TTL)	100
Cobalt	200
Copper	250
Lead	100
Manganese	1000
Mercury	10
Molybdenum	5000
Nickel	100
Selenium	5
Vanadium	500
Zinc	1,000

* Analyses required by Condition IV.D.1 of Landtreatment Permit No. LT-0078 may be used to show that the above criteria are met.

III. SITE CONSTRUCTION:

- A. Before operations begin, the pit shall have security to prevent unauthorized access. Access shall be secure by a 24-hour attendant or a fence and locked gate when unattended.
- B. A sign shall be posted at the pit which shall show the pit permit number in numerals at least one inch in height.

- C. The pit shall have a 1% slope so that any rainwater can be removed.
- D. The capacity of the pit may not exceed 1,817,697 barrels. The pit shall be divided into six (6) cells consistent with the plat which is attached to and incorporate as part of this permit as Appendix A. Each cell will have a separate closure cost estimate and financial security as required by Rule 78. Waste may not be accepted in a new cell until the closing cost estimate and financial security for that cell has been provided to and approved by the Commission.
- E. Dikes must be constructed to completely surround the pit at a height of 3 feet and width at base of 9 feet.
- F. Three (3) monitor wells must be installed in the approximate locations designated as MW1, MW2, and MW3 in Permit Appendix A.
 - 1. The wells must be completed in accordance with 16 TAC Part 4, Chapter 76 (Water Well Drillers and Water Well Pump Installers).
 - 2. The wells must be completed in the shallowest groundwater zone and the completion must isolate that zone from any deeper groundwater zone.
 - 3. The screened interval of the wells must be designed to intercept the top of the groundwater.
 - 4. Provision must be made to protect the well heads from damage by vehicles and heavy equipment.
 - 5. The following information must be submitted after the wells are completed:
 - a. A soil boring log for each well, with the soils described using the Unified Soil Classification System (equivalent to ASTM D 2487 and 2488). The log must also include the method of drilling, total depth, and the top of the first encountered water or saturated soils.
 - b. A well installation diagram for each well.
 - c. A survey elevation for each well head reference point.
 - d. A potentiometric map showing static water levels and the calculated direction of groundwater flow.

IV. TESTING AND RECORD KEEPING REQUIREMENT:

- A. For the purposes of this permit, a representative sample is defined as a composite sample composed of one grab sample from each 50 cubic yards of waste material.
- B. Representative samples of all incoming waste must be collected and must pass the Paint Filter Liquids Test (EPA Method 9095).
- C. Representative samples of all incoming waste must be collected and tested for chloride concentration. The chloride concentration may not exceed 3,000 ppm.
- D. The permittee shall maintain the following records on each load of waste received at the facility for a period of three (3) years from the date of receipt:
 - 1. carrier name;
 - 2. amount of waste material received (specify units);
 - 3. analyses required by Condition II. and IV.A., B., and C. above;
 - 4. analyses required by Condition IV.D. of Landtreatment Permit No. LT-0078; and
 - 5. location in pit in which the waste was placed.

- E. The monitor wells must be monitored for the following parameters after installation and quarterly thereafter:
- | | |
|-----------------------|---------------|
| 1. Static water level | 8. Nitrates |
| 2. Benzene | 9. Carbonates |
| 3. TPH | 10. Calcium |
| 4. TDS | 11. Magnesium |
| 5. Chlorides | 12. Sodium |
| 6. Bromides | 13. Potassium |
| 7. Sulfates | |
- F. A report of the records required by Condition IV.D and IV.E. above shall be submitted to Environmental Services in Austin as part of the Semiannual Report required in Condition I.I. of this permit.

V. OPERATION

- A. Waste shall be applied evenly over the pit to a maximum thickness of two (2) feet per application. No additional waste may be added until analyses of representative samples show that the TPH of the applied waste is 1/2 % by weight or less.
- B. A report of the records required by Condition V.A. above shall be submitted to Environmental Services in Austin as part of the Semiannual Report required in Condition I.I. of this permit.
- C. Any rainwater collected in the pit shall be disposed of in an authorized manner.
- D. At least 2 feet of freeboard must be maintained between the waste level in the pit and the natural grade ground level at all times.
- E. When the level of waste in any area of the pit reaches two (2) feet below natural grade ground level, closure of that area shall commence.

VI. CLOSURE

- A. Environmental Services and the Corpus Christi District Office must be notified in writing 45 days prior to commencement of closure activities.
- B. At least two (2) feet of soil shall be placed over the waste and the entire pit shall be compacted such that rainwater will not collect at the pit site.
- C. The site shall be contoured to conform with the natural contour of the surrounding land and seeded with native vegetation.

This authorization is granted subject to review and cancellation should investigation show that such authorization is being abused.

It is further **ORDERED** by the Commission that this order shall not be final and effective until 20 days after it is actually mailed to the parties by the Commission; provided that if a motion for rehearing of the application is filed by any party at interest within such 20-day period, this order shall not become final until such motion is overruled, or if such motion is granted, this order shall be subject to further action by the Commission. Pursuant to TEX. GOV'T CODE §2001.146(e), the time allotted

for Commission action on a motion for rehearing in this case prior to its being overruled by operation of law, is hereby extended until 90 days from the date the order is served on the parties.

Each exception to the examiners' proposal for decision not expressly granted herein is overruled. All requested findings of fact and conclusions of law which are not expressly adopted herein are denied. All pending motions and requests for relief not granted herein are denied.

Done this 10th day of June, 2003.

RAILROAD COMMISSION OF TEXAS

Chairman Michael L. Williams

Commissioner Charles R. Matthews

Commissioner Victor G. Carrillo

ATTEST:

Secretary